IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3046 OF 2005

Pir Ahmed Shaikh & Ors. ..Petitioners.

V/s.

State of Maharashtra & Anr. ..Respondents.

Mr.Chetan Akerkar for petitioner.

Mr.Rajesh More, APP for State.

Ms.Suvarna Telgote for respondent No.2.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 19, 2005.

P.C. :

1. Heard.

2. Rule. Rule made returnable forthwith by consent. Petition taken up for final disposal forthwith by consent as short question is involved for consideration.

3. Mr.Rajesh More, APP waives notice for respondent State. Ms.Suvarna Telgote waives notice for respondent No.2.

4. By this petition, petitioners pray for quashing of the criminal action instituted by the

respondent No.2 being Criminal Case No.190/P/2002 pending in the Railway Mobile Court, Andheri, Mumbai, under section 498A, 406 and 34 of the I.P.Code.

5. The respondent No.2 appears in person. Advocate on record for respondent No.2 has identified her and also pointed out that other family members are present in the court. Petitioner is also present in the court.

6. It is stated by the counsel appearing for the parties that parties have arrived at overall settlement and it is agreed that the respondent No.2 will not precipitate criminal action against the petitioners. Respondent No.2 is not interested in deposing against the petitioner in view of the settlement of matrimonial disputes arrived at between the parties. In such cases, no fruitful purpose would be served by continuing criminal proceedings against petitioners. In the interest of justice therefore, by consent, this petition is made absolute in terms of prayer clause (a).

7. Respondent No.2 is personally present in the court and states that she has no objection for such order being passed and that she has understood the

consequences of the order which is passed today.